

REPEALING CERTAIN LAWS RELATING TO TIMBER AND STONE ON THE PUBLIC DOMAIN

JULY 10, 1951.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. BENTSEN, from the Committee on Interior and Insular Affairs,
submitted the following

R E P O R T

[To accompany H. R. 3883]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 3883) to repeal certain laws relating to timber and stone on the public domain, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

EXPLANATION OF THE BILL

The purpose of this bill is to repeal certain obsolete laws relating to timber and stone on the public domain. No appropriation of Federal funds is required.

The act of July 31, 1947, known as the Materials Act (61 Stat. 681, 43 U. S. C. sec. 1185) gives the Secretary of the Interior general authority to dispose of materials, including stone and timber, on the public lands under his jurisdiction. Prior to the enactment of that measure, a number of disposal laws had been enacted as needed. Now that a general disposal statute is in existence, the Department of the Interior desires to repeal the confusing multitude of laws covering individual transactions.

The Department's executive communication is set forth below in full and further explains the need for this legislation.

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., April 5, 1951.

Hon. SAM RAYBURN,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: Enclosed is a proposed bill to repeal certain laws relating to timber and stone on the public domain. The proposed bill is similar to H. R. 6861, Eighty-first Congress, which passed the House of Representatives on July 10, 1950.

I respectfully request that the proposed bill be referred to the appropriate committee for consideration, and I recommend that it be enacted.

The Congress, under the act of July 31, 1947 (61 Stat. 681; 43 U. S. C., secs. 1185-1187), as amended by Public Law 744 of the Eighty-first Congress, has authorized the Secretary of the Interior to dispose of materials, including timber and stone, on the public lands of the United States. The act authorizes disposals both by free use and sale, subject to appropriate conditions, but applies only in those cases where the particular materials involved are not subject to disposal under any other express provision of law. There are a number of laws which expressly authorize the sale of certain types of timber, such as dead and down timber, or which expressly authorize timber disposals in certain States. These laws were enacted as demand arose from time to time and contain varying conditions. Now that a general disposal statute is in existence, it is advisable to repeal this confusing multitude of laws, each with its own peculiar provisions and regulations, so as to permit the disposal of timber under the uniform policy set forth in the general statute. Such repeal would greatly facilitate the administration of the act of July 31, 1947, by permitting all disposals of timber on the unreserved public lands administered by this Department to be made under a single set of regulations and forms.

The laws which would be repealed by the proposed bill do not relate to national forests. The act of July 31, 1947, expressly excluded national forests from its scope and neither that act nor this proposed bill would have any effect on the administration of the national forests. Furthermore, the proposed bill would not affect the administration of timber on the public lands in sustained-yield units created under the act of March 29, 1944 (58 Stat. 132, 16 U. S. C., secs. 583-583i).

Subsection 1 (a) of the proposed bill would repeal the so-called timber and stone laws—sections 1, 2, and 3 of the act of June 3, 1878 (20 Stat. 89), as amended (43 U. S. C., secs. 311-313)—which provide for the sale of timber and stone lands of the United States within the public land States. These laws authorize the sale of land which is valuable chiefly for timber, but unfit for cultivation, or which is valuable chiefly for stone.

Disposals of land under the timber and stone laws have resulted in a waste not only of timber and stone, but also of the soil and other resources in the affected areas. Frequently the lands have been stripped of their timber, abandoned, and taken over by the counties because of delinquent taxes. Removal of the protective cover has caused the thin soils to deteriorate and erode, resulting in bare uplands, silted valleys, and loss of revenue and other benefits to dependent communities.

In recent years this Department, in applying the conservation policies laid down by the Congress, has generally denied applications for the classification of lands as suitable for disposal under the timber and stone laws. The manifest inconsistency between the underlying policy of those early laws and the policies the Congress has since adopted can best be resolved through repeal of these obsolete enactments. Their repeal would not affect the applicability of the United States mining laws with respect to deposits of stone on the public lands. Nor would such repeal affect section 2455 of the Revised Statutes, as amended (43 U. S. C., sec. 1171), which permits the Secretary, when proper in his judgment, to sell tracts of public lands which are isolated or disconnected, or which are too mountainous or rough for cultivation.

Subsections 1 (b), 1 (c), and 1 (d) of the proposed bill would repeal sundry statutes authorizing the disposal of timber on the public lands in particular situations or areas. Many of these statutes are obscure and conflicting in terminology, and their provisions are not well adapted to the requirements either of timber users or of the public interest. Supersession of these laws by the act of July 31, 1947, would establish a uniform and practical basis for the disposal of timber on the public lands involved.

For your convenience, copies are enclosed of the act of July 31, 1947 and of section 2455 of the Revised Statutes, both of which are discussed above. In addition, there are enclosed copies of the laws which would be repealed by the proposed bill (43 U. S. C., secs. 311-313; 16 U. S. C., secs. 604-615).

The Bureau of the Budget has advised that there is no objection to the presentation of this proposed bill.

Sincerely yours,

DALE E. DOTY,
Assistant Secretary of the Interior.

Enclosures, 6.

RAMSEYER RULE

Pursuant to the provisions of clause 2a, rule XIII, of the House of Representatives, proposed changes in existing law are indicated below with the matter proposed to be omitted in black brackets, and the new matter proposed to be inserted in italics:

SECTIONS 1 TO 3 OF ACT OF JUNE 3, 1878 (20 STAT. 89) (43 U. S. C., SECS. 311, 312, 313)

[That surveyed public lands of the United States within the States of California, Oregon, and Nevada and in Washington Territory, not included within military, Indian, or other reservations of the United States, valuable chiefly for timber, but unfit for cultivation, and which have not been offered at public sale according to law, may be sold to citizens of the United States, or persons who have declared their intention to become such, in quantities not exceeding one hundred and sixty acres to any one person or association of persons, at the minimum price of two dollars and fifty cents per acre; and lands valuable chiefly for stone may be sold on the same terms as timber lands: *Provided*, That nothing herein contained shall defeat or impair any bona fide claim under any law of the United States, or authorize the sale of any mining claim, or the improvements of any bona fide settler, or lands containing gold, silver, cinnabar, copper, or coal, or lands selected by the said States under any law of the United States donating lands for internal improvements, education, or other purposes: *And provided further*, That none of the rights conferred by the act approved July twenty-sixth, eighteen hundred and sixty-six, entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes", shall be abrogated by this act; and all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under and by the provisions of said act; and such rights shall be expressly reserved in any patent issued under this act.

[SEC. 2. That any person desiring to avail himself of the provisions of this act shall file with the register of the proper district a written statement in duplicate, one of which is to be transmitted to the General Land Office, designating by legal subdivisions the particular tract of land he desires to purchase, setting forth that the same is unfit for cultivation, and valuable chiefly for its timber or stone; that it is uninhabited; contains no mining or other improvements, except for ditch or canal purposes, where any such do exist, save such as were made by or belong to the applicant, nor, as deponent verily believes, any valuable deposit of gold, silver, cinnabar, copper, or coal; that deponent has made no other application under this act; that he does not apply to purchase the same on speculation, but in good faith to appropriate it to his own exclusive use and benefit; and that he has not directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he might acquire from the government of the United States should inure, in whole or in part, to the benefit of any person except himself; which statement must be verified by the oath of the applicant before the register or the receiver of the land office within the district where the land is situated; and if any person taking such oath shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he may have paid for said lands, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of bona fide purchasers, shall be null and void.]

[SEC. 3. That upon the filing of said statement, as provided in the second section of this act, the register of the land office, shall post a notice of such application, embracing description of the land by legal subdivisions, in his office, for a period of sixty days, and shall furnish the applicant a copy of the same for publication, at the expense of such applicant, in a newspaper published nearest the location of the premises, for a like period of time; and after the expiration of said sixty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish to the register of the land office satisfactory evidence, first, that said notice of the application prepared by the register as aforesaid was duly published in a newspaper as herein required; secondly, that the land is of the character contemplated in this act, unoccupied and without improvements, other than those excepted, either mining or agricultural, and that it apparently contains no valuable deposits of gold, silver, cinnabar, copper, or coal; and upon payment to the proper

4 REPEAL CERTAIN LAWS RELATING TO TIMBER AND STONE

officer of the purchase money of said land, together with the fees of the register and the receiver, as provided for in case of mining claims in the twelfth section of the act approved May tenth, eighteen hundred and seventy-two, the applicant may be permitted to enter said tract, and, on the transmission to the General Land Office of the papers and testimony in the case, a patent shall issue thereon: *Provided*, That any person having a valid claim to any portion of the land may object, in writing, to the issuance of a patent to lands so held by him, stating the nature of his claim thereto; and evidence shall be taken, and the merits of said objection shall be determined by the officers of the land office, subject to appeal, as in other land cases. Effect shall be given to the foregoing provisions of this act by regulations to be prescribed by the Commissioner of the General Land Office.]

SECTION 2 OF ACT OF AUGUST 4, 1892 (27 STAT. 348) (43 U. S. C., SEC. 311)

[SEC. 2. That an act entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada, and Washington Territory," approved June third, eighteen hundred and seventy-eight, be, and the same is hereby, amended by striking out the words "States of California, Oregon, Nevada, and Washington Territory" where the same occur in the second and third lines of said act, and insert in lieu thereof the words, "public-land States," the purpose of this act being to make said act of June third, eighteen hundred and seventy-eight, applicable to all the public-land States.]

ACT OF JUNE 3, 1878 (20 STAT. 88) (16 U. S. C., SECS. 604, 605, 606)

[That all citizens of the United States and other persons, bona fide residents of the State of Colorado, or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby, authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which such citizens or persons may be at the time bona fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes: *Provided*, the provisions of this act shall not extend to railroad corporations.]

[SEC. 2. That it shall be the duty of the register and the receiver of any local land office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes authorized by this act, within their respective land districts; and, if so, they shall immediately notify the Commissioner of the General Land Office of that fact; and all necessary expenses incurred in making such proper examinations shall be paid and allowed such register and receiver in making up their next quarterly accounts.]

[SEC. 3. Any person or persons who shall violate the provisions of this act, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding five hundred dollars, and to which may be added imprisonment for any term not exceeding six months.]

ACT OF JANUARY 11, 1921 (41 STAT. 1088) (16 U. S. C., SEC. 604)

[That section 1 of an Act entitled "An Act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes," approved June 3, 1878, chapter 150, page 88, volume 20, United States Statutes at Large, and section 8 of an Act entitled "An Act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, as amended by an Act approved March 3, 1891, chapter 559, page 1093, volume 26, United States Statutes at Large, and the several Acts amendatory thereof, be, and the same are hereby, extended so that it shall be lawful for the Secretary of the Interior to grant permits to corporations incorporated under a Federal law of the United States or incorporated under the laws of a State or Territory of the United States, other than the State in which the privilege is requested, said permits to confer the same rights and benefits upon such corporations as are conferred by the aforesaid Acts upon corporations incorporated in the

State in which the privilege is to be exercised: *Provided*, That all such corporations shall first have complied with the laws of that State so as to entitle them to do business therein; but nothing herein shall operate to enlarge the rights of any railway company to cut timber on the public domain.¶¹

SECTION 8 OF ACT OF MARCH 3, 1891 (26 STAT. 1095, 1099) (16 U. S. C., SEC. 607)

SEC. 8. That suits by the United States to vacate and annul any patent heretofore issued shall only be brought within five years from the passage of this act, and suits to vacate and annul patents hereafter issued shall only be brought within six years after the date of the issuance of such patents. [And in the States of Colorado, Montana, Idaho, North Dakota and South Dakota, Wyoming, and in the District of Alaska and the gold and silver regions of Nevada, and the Territory of Utah, in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon, it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State or Territory by a resident thereof for agricultural, mining, manufacturing, or domestic purposes, and has not been transported out of the same; but nothing herein contained shall apply to operate to enlarge the rights of any railway company to cut timber on the public domain: *Provided*, That the Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this section.¶²

ACT OF MARCH 3, 1891 (26 STAT. 1093) (16 U. S. C., SEC. 607)

SEC. 8. That suits by the United States to vacate and annul any patent heretofore issued shall only be brought within five years from the passage of this act, and suits to vacate and annul patents hereafter issued shall only be brought within six years after the date of issuance of such patents. [And in the States of Colorado, Montana, Idaho, North Dakota, and South Dakota, Wyoming, and the District of Alaska, and the gold and silver regions of Nevada and the Territory of Utah in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State or Territory by a resident thereof for agricultural, mining, manufacturing or domestic purposes under rules and regulations made and prescribed by the Secretary of the Interior and has not been transported out of the same, but nothing herein contained shall operate to enlarge the rights of any railway company to cut timber on the public domain, provided that the Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this act, and he may designate the sections or tracts of land where timber may be cut, and it shall not be lawful to cut or remove any timber except as may be prescribed by such rules and regulations, but this act shall not operate to repeal the act of June third, eighteen hundred and seventy-eight, providing for the cutting of timber on mineral lands.¶³

ACT OF FEBRUARY 13, 1893 (27 STAT. 444) (16 U. S. C., SEC. 607)

[That section eight of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, as amended by an act approved March third, eighteen hundred and ninety-one, chapter five hundred and fifty-nine, page ten hundred and ninety-three, volume twenty-six, United States Statutes at Large, be, and the same is hereby, amended as follows: After the word "Wyoming" in said amended act insert the words "New Mexico and Arizona."¶]

PARAGRAPH FROM ACT OF JULY 1, 1898 (30 STAT. 597, 618-619) (16 U. S. C., SEC. 611)

[That section eight of an Act entitled "An Act to repeal the timber-culture laws, and for other purposes," approved March third, eighteen hundred and

¹ Sec. 1 (b) of the proposed bill would repeal this statute insofar as it amends sec. 1 of the act of June 3, 1878 (20 Stat. 88; 16 U. S. C., sec. 604); sec. 1 (c) of the proposed bill would repeal this statute insofar as it amends the act of March 3, 1891 (26 Stat. 1093, 16 U. S. C., sec. 607).

² The first sentence would not be repealed by the proposed bill. This sentence is separately codified (43 U. S. C., sec. 1166).

³ The first sentence would not be repealed by the proposed bill. This sentence is separately codified (43 U. S. C., sec. 1166). The act here quoted was approved on the same day as the act which it amends.

6 REPEAL CERTAIN LAWS RELATING TO TIMBER AND STONE

ninety-one, be, and the same is hereby, amended as follows: That it shall be lawful for the Secretary of the Interior to grant permits, under the provisions of the eighth section of the Act of March third, eighteen hundred and ninety-one, to citizens of Idaho and Wyoming to cut timber in the State of Wyoming west of the continental divide, on the Snake River and its tributaries to the boundary line of Idaho for agricultural, mining, or other domestic purposes, and to remove the timber so cut to the State of Idaho.】

ACT OF MARCH 3, 1901 (31 STAT. 1436) (16 U. S. C., SEC. 607)

【That section eight of the Act entitled "An Act to repeal timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, as amended by an Act approved March third, eighteen hundred and ninety-one, chapter five hundred and fifty-nine, page ten hundred and ninety-three, volume twenty-six, United States Statutes at Large, be, and the same is hereby, amended as follows: After the word "Nevada," in said amended Act, insert the words "California, Oregon, and Washington."】

ACT OF MARCH 3, 1901 (31 STAT. 1439) (16 U. S. C., SEC. 613)

【That the provisions of chapter five hundred and fifty-nine of the Revised Statutes of the United States, approved March third, eighteen hundred and ninety-one, limiting the use of timber taken from public lands to residents of the State in which such timber is found, for use within said State, shall not apply to the south slope of Pryor Mountains, in the State of Montana, lying south of the Crow Reservation, west of the Big Horn River, and east of Sage Creek; but within the above-described boundaries the provisions of said chapter shall apply equally to the residents of the States of Wyoming and Montana, and to the use of timber taken from the above-described tract in either of the above-named States.】

ACT OF MARCH 3, 1919 (40 STAT. 1321) (16 U. S. C., SEC. 608)

【That section eight of an Act entitled "An Act to repeal the timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, chapter five hundred and sixty-one, as amended by an Act approved March third, eighteen hundred and ninety-one, chapter five hundred and fifty-nine, page one thousand and ninety-three, volume twenty-six, United States Statutes at Large, be, and the same is hereby, amended by adding thereto the following:

【"That it shall be lawful for the Secretary of the Interior to grant permits, under the provisions of the eighth section of the Act of March third, eighteen hundred and ninety-one, to citizens of Malheur County, Oregon, to cut timber in the State of Idaho for agricultural, mining, or other domestic purposes, and to remove the timber so cut to Malheur County, State of Oregon."】

ACT OF MARCH 3, 1919 (40 STAT. 1322) (16 U. S. C., SEC. 609)

【That section eight of an Act entitled "An Act to repeal the timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, chapter five hundred and sixty-one, as amended by an Act approved March third, eighteen hundred and ninety-one, chapter five hundred and fifty-nine, page one thousand and ninety-three, volume twenty-six, United States Statutes at Large, be, and the same is hereby, amended by adding thereto the following:

【"That it shall be lawful for the Secretary of the Interior to grant permits under the provisions of the eighth section of the Act of March third, eighteen hundred and ninety-one, to citizens of Modoc County, California, to cut timber in the State of Nevada for agricultural, mining, or other domestic purposes, and to remove the timber so cut to Modoc County, State of California."】

ACT OF JANUARY 11, 1921 (41 STAT. 1088) (16 U. S. C., SEC. 612)

【That section 1 of an Act entitled "An Act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes," approved June 3, 1878, chapter 150, page 88, volume 20, United States Statutes at Large, and section 8 of an Act entitled "An Act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, as amended by an Act approved March 3, 1891, chapter 559, page 1093, volume 26, United States Statutes at Large, and the several Acts amendatory

thereof, be, and the same are hereby, extended so that it shall be lawful for the Secretary of the Interior to grant permits to corporations incorporated under a Federal law of the United States or incorporated under the laws of a State or Territory of the United States, other than the State in which the privilege is requested, said permits to confer the same rights and benefits upon such corporations as are conferred by the aforesaid Acts upon corporations incorporated in the State in which the privilege is to be exercised: *Provided*, That all such corporations shall first have complied with the laws of that State so as to entitle them to do business therein; but nothing herein shall operate to enlarge the rights of any railway company to cut timber on the public domain.】

ACT OF FEBRUARY 27, 1922 (42 STAT. 398) (16 U. S. C., SEC. 610)

【That section 8 of an Act entitled "An Act to repeal the timber culture laws, and for other purposes," approved March 3, 1891, as amended by an Act approved March 3, 1891, chapter 559, page 1093, volume 26, United States Statutes at Large, be, and the same is hereby, amended by adding thereto the following:

【"That it shall be lawful for the Secretary of the Interior to grant permits, under the provisions of section 8 of the Act of March 3, 1891, to citizens of Washington County, and of Kane County, Utah, to cut timber on the public lands of the counties of Mohave and Coconino, Arizona, for agricultural, mining, and other domestic purposes, and remove the timber so cut to said Washington County and Kane County, Utah."】

ACT OF AUGUST 21, 1935 (49 STAT. 665) (16 U. S. C., SEC. 611A)

【That section 8 of the Act entitled "An Act to repeal the timber-culture laws, and for other purposes", approved March 3, 1891, as amended, is amended by adding the following paragraph:

【"The Secretary of the Interior is authorized to grant permits subject to the provisions of this section, to citizens of Bear Lake County, Idaho, to cut and remove timber on the unappropriated public domain in Lincoln County, Wyoming, for domestic use in Bear Lake County, Idaho: *Provided*, That no live standing timber shall be taken without compensation."】

ACT OF MARCH 4, 1913 (37 STAT. 1015) (16 U. S. C., SECS. 614, 615)

【That the Secretary of the Interior is hereby authorized, under such rules as he may prescribe, to sell and dispose of to the highest bidder at public auction, or through sealed bids, the timber on any lands of the United States, outside the boundaries of national forests, including those embraced in unperfected claims under any of the public land laws, also upon the ceded Indian lands, that may have been killed or seriously and permanently damaged by forest fires prior to the passage of this Act, the proceeds of all such sales to be covered into the Treasury of the United States: *Provided*, That the damaged timber upon any lands embraced in an existing claim shall be disposed of only upon the application or with the written consent of such claimant, and the money received from the sale of damaged timber on any such lands shall be kept in a special fund to await the final determination of such claim.

【SEC. 2. That upon the certification of the Secretary of the Interior that any such claim has been finally approved and patented the Secretary of the Treasury is hereby authorized and directed to pay to such claimant, his heirs or legal representatives, the money received from the sale of the damaged timber upon his land, after deducting therefrom the expenses of the sale; and upon the certification of the Secretary of the Interior that any such claim has been finally rejected and canceled, the Secretary of the Treasury is hereby authorized and directed to transfer the money derived from the sale of the damaged timber upon the lands embraced in such claim to the general fund in the Treasury derived from the sale of public lands, unless by legislation the lands from which the timber had been removed had been theretofore appropriated to the benefit of an Indian tribe or otherwise, in which event the net proceeds derived from the sale of the timber shall be transferred to the fund of such tribe or otherwise credited or distributed as by law provided.】

ACT OF JULY 3, 1926 (44 STAT. 890) (16 U. S. C., SECS. 614, 615)

【That the Act entitled "An Act to authorize the sale of burnt timber on the public domain," approved March 4, 1913 (Thirty-seventh Statutes at Large, page 1015), be, and the same is hereby, amended so as to read as follows:

["That the Secretary of the Interior is hereby authorized, under such rules as he may prescribe, to sell and dispose of to the highest bidder, at public auction or through sealed bids, dead or down timber, or timber which has been seriously or permanently damaged by forest fires, on any lands of the United States, outside the boundaries of national forests, including those embraced in unperfected claims under any of the public land laws, also upon the ceded Indian lands, the proceeds of all such sales to be covered into the Treasury of the United States: *Provided*, That such dead, down, or damaged timber upon any lands embraced in an existing claim shall be disposed of only upon the application or with the written consent of such claimant, and the money received from the sale of such timber on any such lands shall be kept in a special fund to await the final determination of the claim.

[SEC. 2. That upon the certification of the Secretary of the Interior that any such claim has been finally approved and patented, the Secretary of the Treasury is hereby authorized and directed to pay to such claimant, his heirs, or legal representatives, the money received from the sale of such timber upon his land, after deducting therefrom the expenses of the sale; and upon the certification of the Secretary of the Interior that any such claim has been finally rejected and canceled, the Secretary of the Treasury is hereby authorized and directed to transfer the money derived from the sale of such timber upon the lands embraced in such claim to the general fund in the Treasury derived from the sale of public lands, unless by legislation the lands from which the timber had been removed had been theretofore appropriated to the benefit of an Indian tribe or otherwise, in which event the net proceeds derived from the sale of the timber shall be transferred to the fund of such tribe or otherwise credited or distributed as by law provided.]

• The Committee on Interior and Insular Affairs unanimously recommends the enactment of H. R. 3883.

